Petitioners

BEFORE THE ZONING COMMISSIONER \* OF BALTIMORE COUNTY

\* Case No. 90-453-SPH Power and Stephen V. Power,

\* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein requested a special hearing to approve a proposed (a) subdivision and transfer of a 21.160 acre parcel containing one building lot to two adjacent landowners, so that one landowner receives 9.76 acres with the building lot and the other landowner receives 11.4 acres by a non-density transfer (i.e. the transfer of land whose area does not contain any dwelling or density units); and (b) reconfiguration and clustering of density units among the 21.160 acre parcel and the adjoining parcels to reconfigure the five building lots thereon, with the net effect that there will be no increase in the total number of permitted building lots on the resulting tracts, as shown on Petitioners' after received Exhibits 1 and 2.

The Petitioners, by Carl Larson and Robert C. Kellner, appeared and were represented by Neil J. Schechter, Esquire. Also appearing on behalf of the Petitioners was Mr. George Gavrelis, a professional land planner with Daft-McCune-Walker, Inc., Land Planning, Landscape Architecture and Environmental

Deesign. Garrett Power, one of the Petitioners, attended the hearing, but did not testify. There were no protestants.

The subject property, which presently consists of three contiguous parcels of approximately 38.257 acres (owned by Carl and Varrell P. Larson), 21.160 acres (owned by the Petitioners), and 7.11 acres (owned by Robert and Lou Ann Kellner), is zoned R.C. 2, and is located on the east side of J. M. Pearce Road, approximately seven tenths of a mile northwest of Markoe Road as shown on Petitioners' after received Exhibit 1. Testimony indicated that the subject property is for the most part gently rolling agricultural land, with some heavily wooded areas. The 38.257 acre parcel is improved with one principal residence, a barn, and other agriculturally related structures. The 21.160 acre parcel is unimproved. The 7.11 acre parcel is improved with one principal residence and a barn. Portions of the subject property currently are used for horse pasture and for growing hay and other crops.

The Petitioners took legal title to the 21.160 acres on February 19, 1988, and subsequently contracted to sell the 21.160 acres of land to Carl Larson and Varrell P. Larson and to Robert C. Kellner and Lou Ann Race Kellner (collectively, the "Contract Purchasers").1

The Larsons and the Kellners have proposed dividing the 21.160 acre parcel between them so that the Larsons will own the 9.76 acres adjacent to their present 38.257 acre parcel, and the Kellners will own the 11.4 acres adjacent to their 7.11 acre parcel.

Pursuant to Section 1A01.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), the 21.160 acre parcel may not be divided into more than one building lot; the 7.11 acre parcel may be divided into two building lots since the parcel was created prior to 1979 (copies of the deeds of conveyance for the 7.11 acres were submitted into the record with the legal description of the 7.11 acres outlined in yellow thereon; and by taking judicial notice of the Order of the Zoning Commission in Case No. 89-383-SPH, the Zoning Commissioner recognized that the 38.257 acre parcel may be subdivided into two building lots. This

> 7.11 acre parcel -2 building lots 21.160 acre parcel -1 building lot 5 building lots

In order to preserve the agricultural character of the subject property, the Petitioners seek relief from the provisions of Section 1A01.3.B.1 of the B.C.Z.R. to permit them to reconfigure the subject property to obtain (i) three building lots containing 3.3 acres, more or less, 3.5 acres, more or less, and 41.2 acres, more or less, and identified as L-1, L-2 and L-3, respectively, on Exhibit 2; and (ii) two building lots, one containing 3.4 acres, more or less, and the other 15.1 acres,

yields a total of 5 building lots as summarized below: 38.257 acre parcel - 2 building lots

The three existing parcels are outlined on Petitioners' after received Exhibit 1.

> Zoning Commissioner for prior approval. Mr. George Gavrelis testified that the overall plan of clustering the building lots as shown on Exhibit 2 in connection with existing and potential agricultural and pasturing activities provides a good and sensible framework for planned development, fosters conditions which are favorable to agricultural use, and

more or less, as identified as K-1 and K-2, respectively, on

present house (L-3)

present house (K-2)

The resulting building lots are shown on Petitioners' Exhibit 2.

The precise location of Lots L-1, L-2 and K-1 shown on the final

plat of subdivision may differ from the location shown on Exhibit

2, and the final building envelopes of the reconfigured Lots L-1,

L-2 and K-1 may be adjusted from that shown on Exhibit 2, in

order to obtain buildable lots that conform with Baltimore County

regulations and accepted development engineering considerations.

Any adjustment in the location of the lots or in the building

envelopes required by such regulations and development or

engineering considerations will first seek to relocate the lots

and building envelopes towards the ridge and away from the focus

of agricultural activity on the subject property. Any proposed

reconfiguration of Lots L-1, L-2 or K-1 shall be submitted to

5 building lots

2 reconfigured building lots (L-1 and L-2)

1 reconfigured building lot (K-1)

Exhibit 2, with the net effect being as follows:

will help preserve the continued agricultural use of productive agricultural areas.

Mr. Gavrelis further testified that the Petitioners' plan was consistent with the spirit and intent of the Baltimore County Zoning Regulations and that there will be no adverse impact on the public health, safety and welfare of the community if the Petitioners' plan is approved.

Mr. Paul D. Solomon, Program Administrator for the Agricultural Land Preservation Program, Department of Environmental Protection and Resource Management, testified that he had visited the subject property and believes that the proposed plan for the subject property is consistent with the agricultural goals and purposes of the prime and productive soil regulations, as required by County Council Bill No. 134-89. Mr. Solomon further testified that the location of the proposed lots is on soils which are not generally classified as prime and productive and the location does not conflict or detract from the agricultural operations presently being conducted or which potentially could be employed on the subject property. Mr. Solomon also testified that although the lot sizes are larger than the 60,000 square feet which the prime and productive soils policy promotes, it is consistent with neighboring lots and lot sizes found in the general immediate area. Finally, Mr. Solomon testified that the proposed lots and the dwelling envelopes are "clustered" in such a way to enhance the agricultural use of the adjacent land.

The Petitioners' request must be analyzed in light of the provisions of Section 1.A00.2 of the B.C.Z.R., stating that the purposes of the Resource Conservation (R.C.) zones are to:

> a) discourage present land use patterns of development and to create a framework for planned or orderly development;

b) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas;

c) protect both natural and man-made resources from compromising effects of specific forms and densities of development; [and]

d) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences.

As set forth in Section 1A01.1.B of the B.C.Z.R., the R.C. 2 zone was established "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban use\*. The foregoing criteria can be summarized in two general ways: a) conservation of agricultural uses, and b) providing for suitable, orderly development that is compatible with such agricultural uses. The Petitioners' request fulfills these criteria.

The transfer of non-density parcels is an integral part of the overall plan for the assemblage of properties, and, for the reasons stated above, will promote the enumerated purposes of R.C. zones in the conservation of agricultural uses. This type of non-density transfer is described in Zoning Commissioner's Policy RSD-8 which permits such non-density transfers.

The Petitioners' requests are within the spirit and intent of the B.C.Z.R. provisions respecting R.C. 2 zones. The plan as set forth in Petitioners' request will retain and foster conditions favorable to the continued agricultural use and productive agricultural areas of Baltimore County, and there will be no adverse impact on the public health, safety, and welfare of the community.

Pursuant to the advertisement, posting of the subject property and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19" of february 1991, that pursuant to Zoning Commissioner Policies RSD-8 and RSD-10 dealing with the transfer and cluster of density and the reconfiguration of three parcels of land, that the property located on J. M. Pearce Road, as shown on Petitioners' after received Exhibit 1, be reconfigured, and further, that the clustering of density units and the non-density transfer of a portion of the subject property, as more clearly defined below and as shown on Petitioners' after received Exhibit 2, be approved as follows:

a) A 9.76 acre portion of the 21.160 acre parcel will be conveyed to the owners of the 38.257 acre

parcel. The combined property, consisting of 48.017 acres, will be subdivided into three building lots (shown on Petitioners' after received Exhibit 2 as Lots L-1, L-2 and L-3). Two of the density units are obtained from the original 38.257 acre parcel and one density unit is obtained from the 21.160 acre parcel;

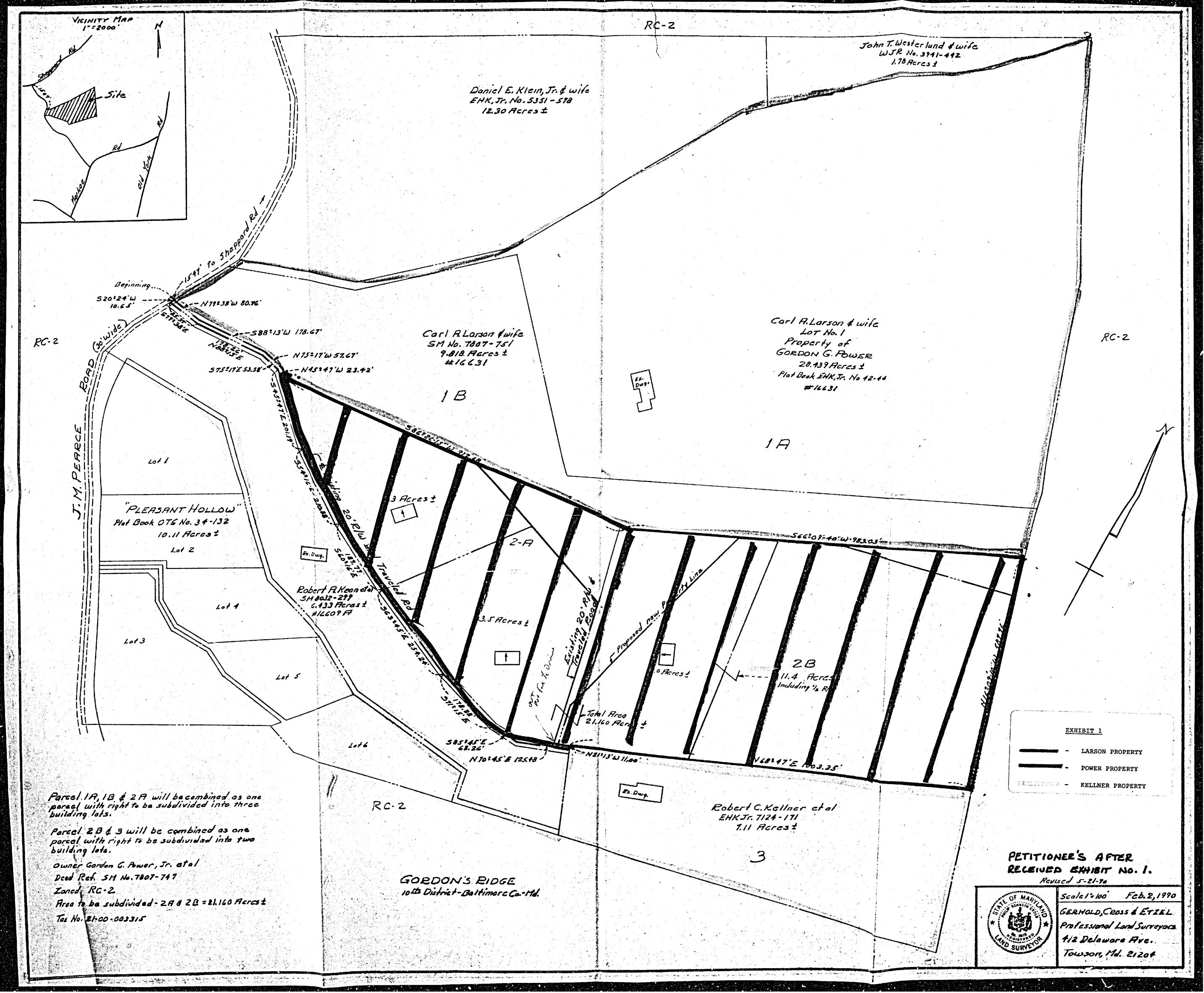
b) An 11.4 acre portion of the 21.160 acre parcel will be conveyed to the owners of the 7.11 acre parcel in a non-density transfer, to create an 18.51 acre parcel with two building lots (shown as Lots K-1 and K-2 on Petitioners' after received Exhibit 2). The two density units are obtained from the original 7.11 acre

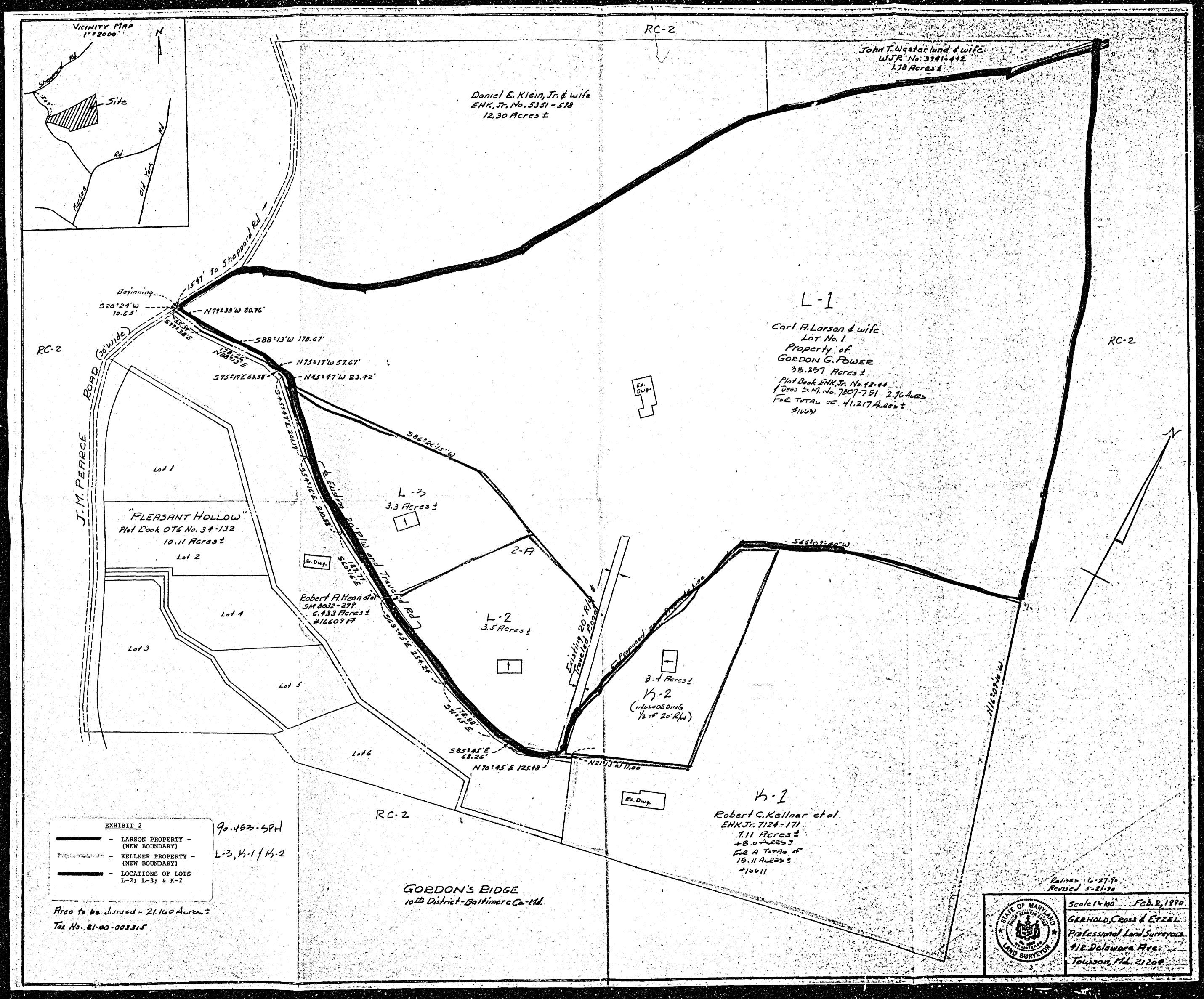
and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions:

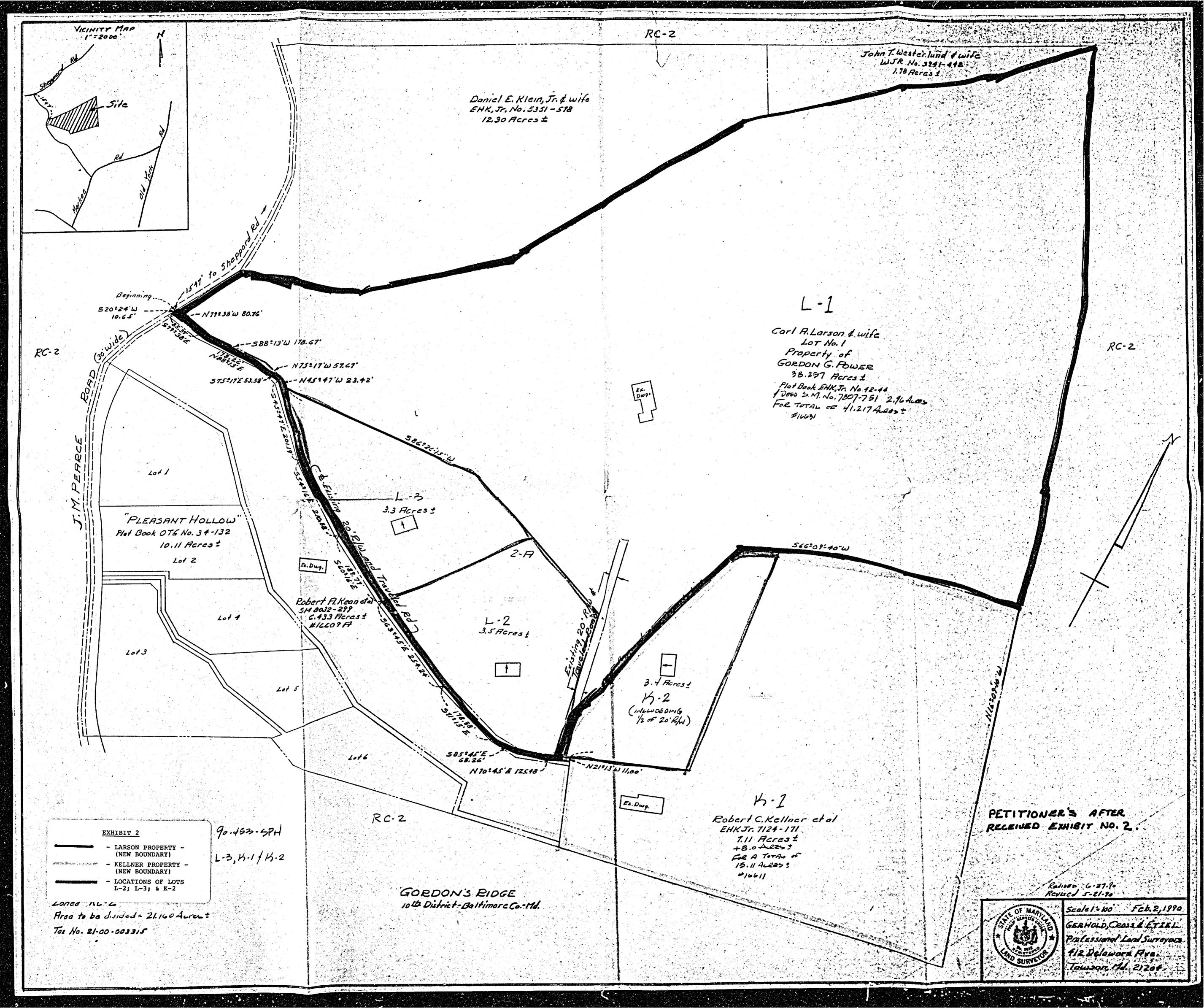
> 1) All of the permitted density for the aforementioned parcels, specifically the 38.257 acre parcel, the 7.11 acre parcel and the 21.160 acre parcel, as combined and reconfigured (and as shown on Petitioners' after received Exhibit 2 as Parcels K and L), shall hereinafter be considered utilized.

> 2) All deeds from the Petitioners conveying any part of the subject property shall refer to this Order by reference to the Case Number. The deeds to the building lots (shown as Lots L-1, L-2, L-3, K-1 and K-2 on Petitioners' after received Exhibit 2) shall all clearly state that the lot (however so designated) may not be further subdivided under present R.C. 2 zoning. Copies of all such deeds shall be submitted to the Zoning Commissioner within thirty (30) days of the Jate of conveyance of any parcel and made a part of this case file.

3) Petitioners shall prepare and submit a final development plan to the Department of Environmental Protection and Resource Management which complies with the prime and productive soils regulation pursuant to County Council Bill 134-89. The development plan shall show all current primary and accessor; structures on the subject property. Further, the plan shall be submitted to the Zoning Commissioner for final approval on or before July 1, 1996 and in any event prior to approval of any Final Development Plan for the subject







## PETITIONER'S EXHIBITE ALZIMORE COUNTY, MARYLAND 90-4535PHINTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Mr. Paul J. Solomon SUBJECT: Petition for Special Hearing
J.M. Pearce Road - Item #293

This memo replaces correspondence dated April 3, 1990 which contains comments from this agency in regard to the above-referenced petition. Our comments are directed to you in regard to the policies this agency has established under County Council Bill #134-89. A copy of the interim policy is attached.

DATE: May 23, 1990

Based on the revised site plan dated May 21, 1990, a copy of which is attached, it has been determined that the approval of this petition would be consistent with the protection of prime and productive soils as required by County Council Bill #134-89.

The determination of consistency in this case is based on the following:

- 1) The location of the proposed lots is on soils which are not The location of the proposed lots is on soils which are not generally classified as prime and productive and the location does not significantly conflict or detract from the agricultural operations presently being conducted or which potentially could be employed on this property.
- While the lot size is significantly larger than the 60,000 square foot maximum which the policy advocates, it is consistent with adjacent lot sizes and with lot sizes found in the general immediate area.
- 3) The proposed lots and the dwelling envelopes are more or less "clustered" in such a way that conflicts with the agricultural use of the adjacent land are minimized.

It is recommended that any order approving this petition contain conditions requiring the location of the proposed lots to be consistent with the attached plat. Additionally, the lot sizes should not exceed those shown.

folomor Paul d. Solomon, Program Administrator Agricultural Land Preservation Program Department of Environmental Protection and Resource Management

PJS:tjg Attachments

RC-2 zoned land will be administered in a similar fashion as outlined for "Agricultural Preservation Areas". (See above.)

2. RC-4 zoning will be amended as follows:

- a) Lot size is not to exceed 60,000 square feet nor be less than 25 acres unless the accommodation of on-lot sewer unan 23 acres unless the accommodation of the state and/or water requires additional acreage except that and/or water requires additional acreage except that variances can be made in regard to these standards based on sewerage and water system requirements; unique physical characteristics of the site; adjacent development characteristics; and other factors which create practical difficulties in satisfying these lot size requirements as determined by the Department of Environmental Protection and Resource Management.
- b) Lots can be placed on prime and productive soils if it is demonstrated that this will promote reservoir watershed demonstrated that this will promote reservoir watershed protection by locating lots a greater distance from watercourses including floodplains, seeps and springs and by avoiding the location of lots on steep slopes and by avoiding the location of RC-4 outside of the (>15%). (The primary purpose of RC-4 outside of the "Agricultural Preservation Areas" is to promote watershed protection, albeit, wherever possible prime and productive soils shall be protected.)
- c) Clustering shall be required wherever possible.
- RC-3 zoning shall be amended so that lot size shall not exceed one (1) acre or be less than 25 acres. Clustering of lots shall be required wherever possible. Lots shall be excluded from prime and productive soils unless it is demonstrated that no other suitable location exists.

DISC #4: "INTERIM.APP" TJG 4-2-90

## PETTONER'S A0-45-35 PH BALTINORE COUNTY DEPARTMENT OF ENVIRONMENTAL ROTECTION AND RESOURCE MANAGEMENT

INTERIM APPLICATION OF BALTIMORE COUNTY COUNCIL BILL No. 134-89

April 1, 1990

County Council Bill No. 134-89 requires this agency to establish policies "to promote agricultural uses and protect Baltimore County's policies to promote agricultural uses and protect baltimore county's soil resources". In order to prevent unnecessary and/or unwarranted delays in processing plans and/or plats and for the purpose of avoiding uncertainty in regard to the effect of this legislation in general, the following interim policy is effective immediately.

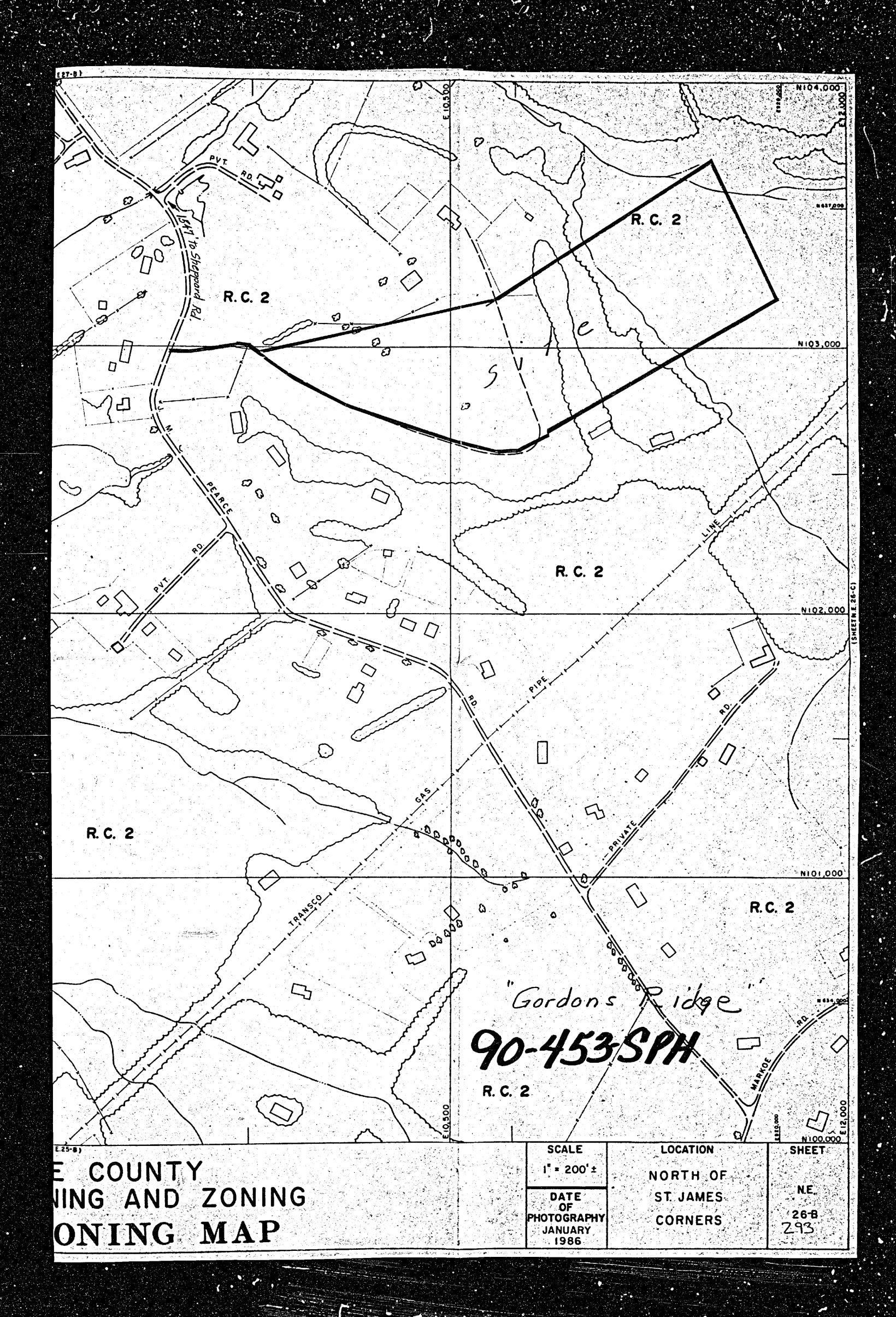
Any plan and/or plat submitted to this agency for development approval that involves RC-2, RC-3 or RC-4 zoning needs to be reviewed by the Baltimore County Department of Environmental Protection and Resource Management to determine its consistency with the interim policy detailed below. All other existing requirements of the Baltimore County Zoning Regulations continue to be applicable. Regulations continue to be applicable.

RC-2 and RC-4 zoned land within the "Agricultural Preservation Areas" as established in the draft <u>Baltimore County Master Plan</u>, 1989-2000 shall be subject to the following additional requirements.

(No RC-3 exists within "Agricultural Preservation Areas".)

- 1. Lots created within RC-2 zoned areas shall be 60,000 square feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or less or greater than 50 acres in size except that feet or greater than 50 acres in size except that feet or greater than 50 acres in size except that feet or greater than 50 acres in size except that feet or greater than 50 acres in size except that feet or greater than 50 acres in size except that feet or greater than 50 acres in size except than 50 acr sewerage and water system requirements, unique physical characteristics of the site; adjacent development characteristics; and other factors which create practical cnaracteristics, and other ractors which create practical difficulties in satisfying these lot size requirements as determined by the Department of Environmental Protection and Resource Management.
- Lots created within RC-2 and RC-4 zoned land shall not be located on prime and productive soils as referenced in the Baltimore County Soil Survey unless it is demonstrated that no other suitable area for lot placement exists and the location of lots shall not seriously impact the utility of a farming operation or significantly diminish the agricultural land resources.
- In regard to prime and productive soils within RC-4 zoned land, the residential density calculated shall be the same as for RC-2. In addition, provisions for lot size and location in regard to all lots allowed within RC-4 zoned areas shall be similar to #1 and #2 above.

In regard to areas zoned RC-2, RC-3 and RC-4 outside of "Agricultural Preservation Areas" the following provisions shall apply:



shall cease to be effective.

Zoning Commissioner of Baltimore County

R9040.534 S:10

PHILIP K. CROSS JOHN F. KTZEL WILLIAM G. ULRICH GORDON T. LANGDON

DAVID E. RANSONE

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204 823-4470

- 9 -

February 2, 1990

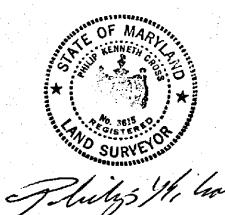
Zoning Description

All that piece or parcel of land situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the center of J. M. Pearce Road distant 1547 feet measured along the center of J. M. Pearce Road in a southerly direction from the center of Sheppard Road and running thence and binding in the center of J. M. Pearce Road, South 20 degrees 24 minutes West 10.65 feet, thence leaving said road and binding in the center of a 20 foot right of way and binding on the outlines of the property of the petitioners herein, the ten following courses and distances viz: South 79 degrees 38 minutes East 85.39 feet, North 88 degrees 13 minutes East 178.26 feet, South 75 degrees 17 minutes East 53.58 feet, Is minutes East 170.20 feet, South 75 degrees 17 minutes East 55.50 feet, South 45 degrees 47 minutes East 201.19 feet, South 54 degrees 16 minutes East 210.88 feet, South 60 degrees 16 minutes East 189.77 feet, South 63 degrees 45 minutes East 254.24 feet, South 71 degrees 15 minutes East 170.88 feet, South 85 degrees 45 minutes East 68.26 feet and North 70 degrees 45 minutes East 125.48 feet to the end of said right of way, degrees 15 minutes East 125.48 feet to the end of said right of way, thence leaving said right of way and continuing to bind on the outlines of the property of the petitioners herein, the five following courses of the property of the petitioners herein, the five following courses and distances viz: North 21 degrees 13 minutes West 11.00 feet, North 68 degrees 47 minutes East 1003.35 feet, North 16 degrees 09 minutes 10 seconds West 587.76 feet, South 66 degrees 09 minutes 40 seconds West 983.03 feet, South 86 degrees 26 minutes 15 seconds West 912.68 feet to the north side of the aforesaid 20 foot right of way and thence binding on the north side of said right of way and continuing to bind on the outlines of the property of the petitioners herein, the four following courses and distances viz: North 45 degrees 47 minutes West 23.42 feet, North 75 degrees 17 minutes West 57.67 feet, South 88 degrees 13 minutes West 178.67 feet and North 79 degrees 38 minutes West 80.76 feet to the place of beginning.

Containing 21.160 Acres of land more or less.

Being the property of the petitioners herein as shown on a plat filed in the office of the Zoning Department.



Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

February 15, 1991

Neil J. Schechter, Esquire Gordon, Feinblatt, Rothman, Hoffberger & Hollander Garrett Building 233 E. Redwood Street

> RE: Petition for Special Hearing Garrett Power, Et al, Petitioners Case #90-453-SPH

Dear Mr. Schechter:

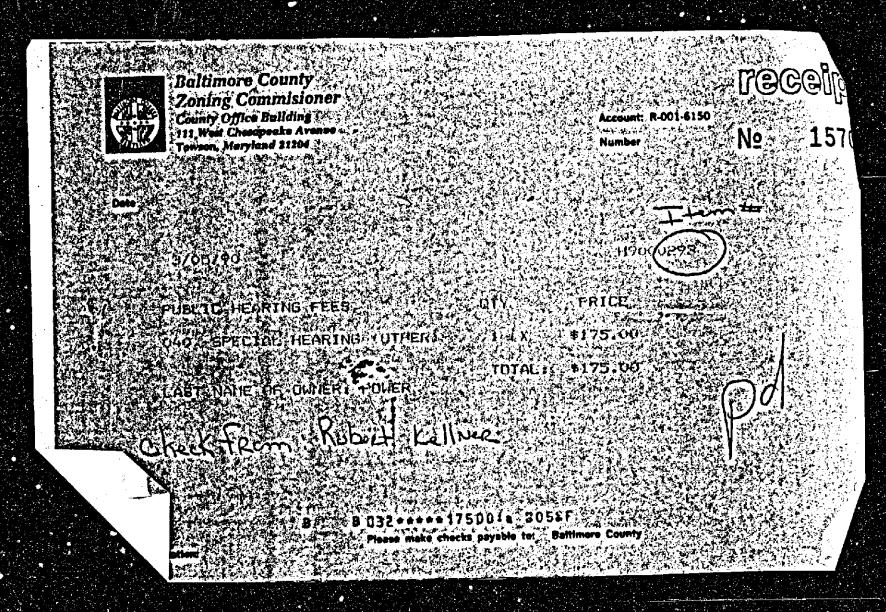
Baltimore, Maryland 21202

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> ery truly yours,
>
> Robert Haires /Zoning Commissioner for Baltimore County

cc: Peoples Counsel



	Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204	JK H	Account: R-001-61!	Ns 26
Date			90	-45
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	PUBLIC HEARING FEES	QTY	PRICE	
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		Killing		
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	A PROPERTY BOOK	Please make checks psymble b	B-House County	

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and pist attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve Qt... determine that a proposed subdivision of 21.160 acres more or legs of RC-2 zoned land located in the Tenth Election District of Baltimore County Land described on Schedule A, is permissible so that (i) the west portion of the subdivided land will be combined with the 38.257 acres presently owned by Carl A. and Varrell P. Larson and the combined parcel may be subdivided into three building lots (two of such lots being derived from the 38.257 acres they presently own and the third being derived from the 21.160 acres at issue herein) and (ii) the east portion of the Subdivided land will be combined with the 7.58 acres presently owned by Torder Regulations. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):	IMP I
KOBERT C. KELLER	Garrett Yower	B
(Type or Print Name)	(Type or Print Name)	E. D. 1
Signature	Signature	DATEL
16611 J.M. PEARCE RD.		200 4
Address	(Type or Print Name)	1500 _
MONKTON MD 21111 Chy and State	Signature	өр
Attorney for Petitioner:	· 107 Longwood Rd	435-1727
w 19 T C-Laskan Ton	10 F Land WOOC	
Neil J. Schechter, Esq.	Address	Phone No.
(Type or Print Name)	Baltmone Md	Phone No.
(Type or Print Name)  Signature	Baltmore Md City and State	C1210
(Type or Print Name)	Baltmone Md	CIZIO  of legal owner, con-
Signature Garrett Building 233 E. Redwood Street	City and State	CIZIO  of legal owner, con-

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

Dennis F. Rasmussen County Executive

E.C.O.—No. 1 \*Robert C. and Lou Ann R. Kellner and the combined parcel may be subdivided into two building lots (such right being derived from the 7.58 acres they presently own). And to amend zoning case #89-383-sph

Baltimore County Zoning Commission Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines

Robert C. Kellner Lou Ann Race Kellner 16611 J. M. Pearce Road Monkton, Maryland 21111

Petition for Special Hearing CASE NUMBER: 90-453-SPH Centerline J. M. Pearce Road, 1547' 5 of Shepperd Road 10th Election District - 3rd Councilmanic Legal Owner(s): Carrett Power Contract Purchaser(s): Robert C. Kellner, et al HEARING: FRIDAY, MAY 25, 1990 at 9:30 a.m.

Please be advised that \$ 203.61 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(5) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(5) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin. Be advised that should you fail to return the sign & post set(s), there

will be an additional \$50.00 added to the above amount for each such set

Very truly yours,

16631 J.M. PERNCE Rd. Monkton Md 2(11)
City and State Lou Ann Race Kellnu (Type or Print Name)

CARL ALPRED LARSON

(Type or Print Name)

Contract Purchaser:

Moulton, Md 2/1/1/
City and State Varrell Power Larson
(Type or Print Name)

Signature

16631 Pearce Rd
Address

Monthson Md 21111

City and State

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towen, Maryland				
District 10th  Posted for Special Hegging	Date of Posting 5/4/90			
Posted for: Special Hegring Petitioner: Location of property: Els J. M. C.	port C. Kill-day atol			
Location of Signer Facing J.M. Per On fro forty of Politions	ma Pet, gopon b' Fr. Voodwey,			
Remarks:  Posted by Malkales	Date of return: 2/4/90			

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4918 30, 1980 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication appearing on 4pul 26. 1990.

THE JEFFERSONIAN,

aubdivided land will be combined with the 7.56 acres present owned by Robert C. and Lou Arr ently own), and to amend the Zoning Case #69-363-SPH. In the event that this Position is granted, a building permit may to lease it within the thirty (30) dr verses of said permit during t period for good cause shown Such request must be in writing

NOTICE OF HEARING

The Zorsing Commissioner of Beltmore County, by authority of the Zoning Act and Regulations of Beltmore County will hold a public hearing on the property identified herein in Floom 106 of the County Office Building, located at 111 W. Chesapselve Avanue in Tomaon, Maryland 21204 as follows:

Petition for Special Hearing Case number: 90-453-SPH Centerline J. M. Petros Road, 1547' 8 of Shepperd Road 10th Election District

Srd Councilmanic Legal Owner(s): Garrett Power Contract Purchaser(s): Rob-ert C. Kellner, at at Houring Date: Friday, May 25, 1980 at 9:30 a.m.

Election District of Baltimore County ("Land") described on Schedule A, is permissable so that (i) the west portion of the

eradivided land will be combined with the 38.257 acres presently owned by Carl A. and Varrell P.

building tota (two of such tots being derived from the 38.257 acres they presently own and the third being derived from the 21.160 acres at issue hasein) and (ii) the east portion of the

and received in this office by the date of the "o ving set above or presented at the hearing.

TOWSON, MD., April 30 . 1990 THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive weeks, the first publication appearing on Lipsel 25, 1920.

5. Zete Orland

PO 104491

CERTIFICATE OF PUBLICATION

TOWSON, MD., april 30, 19 90 THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive weeks, the first publication appearing on April 26, 1990.

THE JEFFERSONIAN,

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines

DATE: April 25, 1990

Zoning Commissioner

Petition for Special Hearing
Case mamber: 90-453-SPH
Centerline J. M. Pearce
Road, 1547'S of Shepperd
Road
10th Election District
3rd Councilmente
Legal Owner(s): Garrett
Power
Contract Purchaser(s): Robert C. Keliner, et al.

Hearing Date: Friday, May 25, 1990 at 9:30 a.m.

27.160 acres more of least of 2 zoned tend located in the Tenth Election District of Baltimore County ("Land") described on Schedule A, is permissable so that (i) the west portion of the

subdivided land will be combined with the 38.257 acres presently

with the 38.257 acres presently owned by Carl A. and Varrell P. Larson and the combined parcel may be subdivided into three building lots (two of such lots being derived from the 38.257 acres they presently own and the third being derived from the 21.180 acres at issue herein) and (ii) the east portion of the subdivided land will be combined with the 7.58 acres preser/hy with the 7.58 acres preser/hy

owned by Robert C. and Lou A Kellner and the combined part may be subdivided into two but ing tots (such right being deriv from the 7.58 acres they pre

ently own), and to amend the Zoning Case #89-383-SPH. In the event that this Petition is granted, a building permit may diseased within the thirty (30) do issued within the Thirty (30) do

issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuence of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or received at the hearing.

presented at the hearing.

J. ROBERT HAIN

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Garrett Power, Item No. 293

The Petitioner requests a Special Hearing to determine that a proposed subdivision of 21.160 acres, more or less, of R.C.-2 zoned is permissible.

Staff supports the Petitioner's request provided that the following conditions are met:

- The Department of Environmental Protection and Resource Management shall approve any future subdivisions of the parcels for residential use and determine if the development is in accordance with the guidelines of the prime and productive soil regulations (Bill 134-89).
- The Petitioner shall investigate the possibility of participating in the Maryland Agricultural Preservation Program.
- The Director of the Office of Planning and Zoning shall approve the location of any proposed dwellings in order to ensure protection of scenic views and harmony with the National Historic District.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing CASE NUMBER: 90-453-SPH Centerline J. M. Pearce Road, 1547' S of Shepperd Road 10th Election District - 3rd Councilmanic Legal Owner(s): Garrett Power Contract Purchaser(s): Robert C. Kellner, et al HEARING: FRIDAY. MAY 25, 1990 at 9:30 a.m.

Special Hearing: To determine that a proposed subdivision of 21.160 acres more or less of RC-2 zoned land located in the Tenth Election District of Baltimore County ("Land") described on Schedule A. is permissable so that (1) the west portion of the subdivided land will be combined with the 38.257 acres presently owned by Carl A. and Varrell P. Larson and the combined parcel may be subdivided into three building lots (two of such lots being derived from the 38.257 acres they presently own and the third being derived from the 21.160 acres at issue herein) and (ii) the east portion of the subdivided land will be combined with the 7.58 acres presently owned by Robert C. and Lou Ann Kellner and the combined parcel may be subdivided into two building lots (such right being derived from the 7.58 acres they presently own), and to amend the Zoning Case #89-383-SPH.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permi during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

> J. Robert HAINES Baltimore County

Garrett Power Robert C. Kellner Neil J. Schechter, Esq. Varrell Power Larson Carl Alfred Larson

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

March 23, 1990



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 293, 294, 295, 296, 297, 298, 299, 301, 302, 303, 304, 305, and 306.

Very truly yours,

Traffic Engineer Assoc. II

MSF/lvw

ZONING OFFICE

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines

May 14, 1990

Neil J. Schechter, Esquire Garrett Building 233 E. Redwood Street Baltimore, MD 21202



RE: Item No. 293, Case No. 90-453-SPH Petitioner: Garrett Power, et al Petition for Special Hearing

Dear Mr. Schechter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received. I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Very truly yours, Zoning Plans Advisory Committee

Enclosures

Zoning Commissioner

Office of Planning and Zoning

cc: Mr. Robert C. Kellner Mr. Garrett Power

> BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL ROTECTION AND RESOURCE MANAGEMENT

County Office Building Towson, Maryland 21204 Property Owner: Garrett Power

Location: centerline J.M. learce Rd. 1547 5 of Sheppard Rd. District: 10

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS: Zoning Item # 293, Zoning Advisory Committee Meeting of March 27, 1990

· ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more. ( ) Prior to approval of a Ruilding Permit Application for renovations to existing or construction of new

health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and severage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information. contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations For more complete information, contact the Division of Maternal and Child Health.

( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775.

( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandorment, owner must contact the Division of Waste Management at 887-3745. ( ) Soil percolation tests, have been \_\_\_\_, must be \_\_\_\_, conducted.

( ) The results are valid until ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water

and Sewer to determine whether additional tests are required. ( ). Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

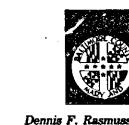
( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ( ): shall be valid until

( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications. ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of barterio-

logical and chemical water samples. ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the

Baltimore County Zoning Countissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner



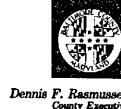
Your petition has been received and accepted for filing this 28th day of March, 1990.

> . Robert frience ZONING COMMISSIONER

Petitioner: Garrett Power, et al Petitioner's Attorney: Neil J. Schechter

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke

March 21, 1990



J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

GARRETT POWER

RE: Property Owner: Location: CENTERLINE J.M. PEARCE ROAD

Item No.: Zoning Agenda: MARCH 27, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

. TO: Zoning Advisory Committee DATE: April 3, 1990 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for March 27, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 295, 296, 298, 299, 301, 303, 304, 305 and 306.

For Item 293, a County Review Group Meeting may be required. For Item 294, the previous County Review Group comments apply and a Public Works Agreement may be

required. For Item 297, a County Review Group Meeting and Public Works Agreement may be required.

For Item 302, the previous County Review Group comments apply.

ROBERT W. BOWLING, P. F., Chief Developers Engineering Division

a:EWR

EUCENE M. FEINBLATT
DONALD N. BOTHMAN
EVAN ALEVIZATOS CHRISS
LEWIS A. KANN
EDWARD E. OBSTLER
LORING E. HAWES
SANDER L. WISE
ZELIG ROBINSON
DAVID H. FISHMAN
ALLAN J. MALESTER
LAWRENCE S. GREENWALD
LESTER D. BALLEY
HERBERT GOLDMAN
BOBERT E. SHARREY
ALAN: RICHARD SACHS
THOMAS J. DOUD, JR.
GEOFFREY P. GITNER\*\*
LAWRENCE D. COFFEL
CHARLES E. BIENEMANN, J.

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

January 10, 1991

Neil J. Schechter, Esquire Gordon, Feinblatt, Rothman, Hoffberger & Hollander Garrett Building 233 E. Redwood Street Baltimore, Maryland 21202

> RE: Kellner/Power Case No. 90-453-SPH

Dear Mr. Schechter:

It has come to my attention that I have not received the final draft regarding the above captioned case.

I intend to dismiss this matter if I am not in receipt of the Order on or before February 15, 1991.

Zoning Commissioner

GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER GARRETT BUILDING 233 E. REDWOOD STREET BALTIMORE, MARYLAND 21202 (301) 576-4000 Joseph Merrey DATE February 5, 1991 Legal Assistant Baltimore County Zoning Office 111 W. Chesapeake Avenue, Room 109 Towson, MD 21204 SUBJECT Kellner/Power Dear Joe, Enclosed is a copy of the revised Findings of Fact and Conclusions of Law for Kellner. Very truly yours, Neil J. Schechter Encl. NJS:bd FOLD AT (-) TO FIT DRAWING BOARD ENVELOPE # EW 10P

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

233 E. Redwood St. Balf. Mr. NEIL SCHECHTER 16611 J.M. Pearce Rd 21111 KOBERT KENNER 16631 J. M. PEARCE Rd 21111 CARL LARSON DMW 200 E Penn Ave- 21204 Berns E. Garreto Janet Power 107 Longwood Pld 21210

GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER

Robert Haines, Esquire July 12, 1990

requests which you made at the hearing and will permit this matter to be brought to a close.

Enclosures

GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER GARRETT BUILDING

TELEX 908041 BAL

D. C. FAX: 202-659-2799

BALTO FAX: 301-576-4246 BALTO FAX: 301-576-4167

EUGENE M. PEINBLATT
DONALD N. ROTHMAN
EVAN ALEVIZATOS CHRI
LEWIS A. KANN
EDWARD E. OBSTLER
LORING B. HAWES
SANDER L. WISE
EELE R. BEINSON
DAVID H. FISHIMAN
ALLAN J. MALESTER
LAWRENCE B. GREENWA
LESTER D. BAILEY
HERBERT GOLDMAN
ROBERT E. SHARKEY
ALAN BICHARD SACHS
THOMAS J. DOUD, JR.
LAWRENCE D. COPPEL
NANCY B. PAROS SHELLA K. SACHS
FRANCIS MACDOUGALL
TIMOTHY D. A. CHRISS
ROBERT C. KELLNER
GLORIA M. BELGRAD
ROBERT W. KAT2°
ABBA DAVID POLIAKOFP\*
MARK H. KOLMAN
JERROLD A. THROPE\*
SUSAN SOUDER
J. RONALD SHIFF\*
ELLIOTT COWAN\*
NEIL J. SCHECHTER
CHABLES R. TATLOR, JR.\*
JAY A. SHULMAN

DIRECT DIAL: (301) 576-4229

J. Robert Haines, Esquire

Zoning Commissioner of

Dear Mr. Haines,

Enclosure NJS:bd

233 E. REDWOOD STREET BALTIMORE, MD. 21202 1800 K STREET, N. W. SUITE 600 WASHINGTON, D. C. 20006 202-657-0555

CHABLEE R. BACHARACH JEFFREY M. SCHWABER\* JONATHAN N. PORTINER\* KAREN M. CRASTERE RICHARD O. GIGES JEFREY S. WPINGROW MAURICE C. TAYLOR DOROTHY S. WILSON MICHAEL J. JACK\*
ANTOINETTE C. ROGERS\*
THOMAS K. GLANCT, JR.
ROBERT P. LEGG
ANNE LAWERCE DEERING
MARY COLLEEN DALTON\*
HILLE! TENDLER
BRADFORD W. WARBASSE
THOMAS E. DERNOGA
CHARLES E. BRODSKY
ANASTASIA WATSON SMITH
JOY Y. HATCHETTE
SHARON D. CREDIT
CHARLES S. HURSCH
SYLVIA S. WAGONHEIM\*
SHEELA MURTHY
SHEELA MURTHY SIGMUND B. KALLENS DAVID P. GORDON LEROY E. HOFFRERGER MORTON J. HOLLANDER

January 29, 1991

JAN 50 1995

Baltimore County Room 109, County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 RE: Kellner/Power

ZONING OFFICE

Case No. 90-453-SPH

I am enclosing a copy of the draft Findings of Fact and Conclusions of Law in the <u>Petition for Special Hearing</u>, Case No. 90-453-SPH. All changes to the prior draft have been redlined.

I apologize for the delay in getting this draft to you, however, I believe that all of the modifications requested by your office have now been incorporated into the document.

Please contact me if you have any questions.

Very truly yours,

cc: Robert C. Kellner, Esq. Carl Larson Gordon G. Power

LIBER 5 9 5 2 PACE 7 2 4 App. No. 115561 INTLES INSURED
Lawers Title
Insurance Gregoration
Richmond, Virginia REAL ESTATE TITLE COMPANY Keyear Building Baltimore, Md. LE zington 9-3212 21 31-78 211185# \*\*1.051.00 21 31-78 211185CB \*\*\*4E0.00 21 31-78 211184C= \*\*\*575.00 201 31-78 Z11183C# \*\*\*\*16.00 parties of the second part. WITNESSETH that in consideration of the sum of \$5.00 and other good and Maluable considerations, the actual consideration paid or to ke paid being \$115,000.00, the receipt which is hereby acknowledged the said Rarties of the first part do grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives investand assigns, in fee-simple, all that lot or parcel of ground situate, lying and being in Baltimore County

BEGINNING FOR THE FIRST at the beginning of the seventh or South 79° 28' West 993.30 BEGINNING FOR THE FIRST at the beginning of the seventh or South 79° 28° West 993.30 foot line of the parcel of land firstly described in a Deed dated November 18, 1970, and recorded among the Land Records of Baltimore County in Liber OTG No. 5144, folio and recorded among the Land Records of Baltimore County in Liber OTG No. 5144, folio and recorded among the Land Records of Baltimore County in Liber OTG No. 5144, folio and recorded among the seventh line, south 79° 28° 50° West 984.68 feet, with and binding on a part of said seventh line, south 79° 28° 50° West 984.68 feet, with and binding and courses thence leaving said outline and running for lines of division the two following courses and distances, viz: North 21° 13° West 221.15 feet, and North 68° 47° East 1003.35 feet and distances, viz: North 21° 13° West 221.15 feet, and North 68° 47° East 1003.35 feet and distances, viz: North 21° 13° West 221.15 feet, and North 68° 47° East 1003.35 feet to intersect the sixth line of the aforesaid first described parcel of land in the two intersects the sixth line of the aforesaid first described by Dollenberg Brothers, Registered acres of land more or less, as surveyed and described by Dollenberg Brothers, Registered Surveyors on November 7, 1972.

Together with the right and use thereof in common with others entitled thereto of the existing traveled driveway leading from the herein described parcel of land in a westerly direction to the J. M. Pearce Road. BEING the same property described in a Deed dated March 15, 1977 and recorded among the Land Records of Baltimore County in Liber ENK\*5734, folio 393 was granted and conveyed from Gordon G. Power to William G. Hannan and Sharon C. Hannan, his wife. \*JR

CHARLES R. TAYLOR, JR. \*
MICHAEL J. JACK\*
ANTOINETTE C.E. ROGERS\*
THOMAS X. GLANCY, JR.
ROBERT P. LEGG
NEIL J. SCHECHTER
MARY COLLEEN DALTON\*
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J. RONALD SHIFF\* DAVID P. GORDON
LERGY E. HOPPBERGER
MORTON J. HOLLANDER
COUNSEL TELEX 908041 BAL D. C. FAX: 202-659-2799 BALTO FAX: 301-576-4246 BALTO FAX: 301-576-4167 DIRECT DIAL: (301) 576-4229 July 12, 1990

ANNE M. ROSSHEIM\*\*\*
SHEELA MURTHY
CHARLES B. BACHARACH
JEFFREY M. SCHWABER\*
JONATHAN N. FORTNER\*
KAREN M. CRABTREE
RICHARD O. GIBBS
JEFREY S. WEINGROW
MAURICE C. TAYLOR

SIGMUND S. KALLINS

LAW OFFICES

GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER

GARRETT BUILDING

233 E. REDWOOD STREET

BALTIMORE, MD. 21202

301-576-4000

1800 K STREET, N. W. SUITE 600

WASHINGTON, D. C. 20006 202-659-0555

\_\_\_\_

VIA FEDERAL EXPRESS

NANCY E. PAIGE

Robert Haines, Esquire Zoning Commissioner of Baltimore County
County Office Building Room 109

ZONING OFFICE 111 W. Chesapeake Avenue Towson, Maryland 21204

RE: Kellner/Power/
Case No. 90-453-SPH

Dear Mr. Haines:

I am enclosing the following for your review:

(a) 2 copies of the draft Opinion for the above-captioned matter along with 2 copies of the exhibits; and

(b) 2 copies of the deeds showing that the Kellner Property was subdivided into its current configuration prior to 1979; specifically the deed from William G. Hannan and Sharon C. Hannan to Richard M. Green and Margaret S. Green dated October 25, 1978 and recorded at Liber 5952, folio 724; and the deed from the Greens to the Kellners dated March 21, 1986 recorded at Liber 7124, folio 171. Both deeds rely on the same property description.

I believe that the enclosed information satisfied the If you have any questions, please contact me.

Very truly yours,

cc: Robert C. Kellner, Esquire Carl Larson

